



The Commonwealth of Massachusetts

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To: Interested parties
From: DMH Regulations
Date: February 11, 2019
RE: Notice of Final Promulgation – 104 CMR 30.00 Fiscal Administration
Summary Overview of Changes

On February 8, 2019, DMH's amended Fiscal Administration regulations were officially promulgated and are in effect. The principle changes in these amended regulations relate to the calculation of consumer charges for residential services and support in the community (formerly referred to as room and board). The amended regulations modify the formula for charges for residential services and supports in order to clarify existing provisions, modify the way client fees for residential services and supports are calculated (including the process for appealing those calculations), to add controls on the use and accounting of funds. The regulations also limit the types of programs that may hold client funds and how such funds may be held. The changes will provide clients with more protection of their funds in the community. The amended regulations also include technical amendments to other sections of 104 CMR 30.00 which were previously published for comment.

Key Areas of Change:

These are the important changes in the calculation of charges for residential services and supports:

- The regulations are intended to create consistency in how charges are calculated across all DMH contracted or operated group living environments. To support implementation, DMH worked with select providers to develop a standard set of tools that meet the regulatory requirements and support implementation consistency.
- Charges are calculated individually for each person served, based on the person's income and assets. Definitions of what will be counted as income and assets are contained in the regulations, as is the method for calculating the charge. The definitions are included in the standard set of tools.
- Unless the person served is participating in a rental subsidy program that has different requirements, the charge for residential services and supports will be 75% of the person's monthly income, EXCEPT that the regulations provide that each person will retain at least \$200 per month of their income for personal expenses. This means that if a charge of 75% of a person's income would leave the person with less than \$200 per month, the charge will be reduced. The standard tools set includes a calculation worksheet that has formulas built in to ensure consistent application of the charge including the requirement that a person will have at least \$200 per month of his/her income.

- Charges will also not exceed the monthly per-person cost for residential services and supports, as determined by the DMH.
- Charges may be adjusted in any given month if a person served does not have sufficient income to pay certain necessary expenses that are defined in the regulations.
- Persons-served can appeal their charges if they believe the charge has been miscalculated, or if the program has failed to adjust their charge to account for necessary expenses.
- Programs are required to give persons served notice of their charges. Staff should discuss the process and explain any changes in charges that may result from these new regulations. The required notice is included the standard tools.

The amended regulations, which are 104 CMR 30.00, are attached, and can be found on the [DMH website here](#). Once promulgated on February 8, the final regulations will also be linked on the [DMH Regulations webpage](#).